

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

RICHARDS M. BOYCE,
Plaintiff,
vs.
MOBERLY PUBLIC SCHOOL
DISTRICT, et al.,
Defendants.

1. ~~Attest and certify this is a printed copy of a
document which was electronically filed with the United States
District Court for the Western District of Missouri.~~
2. Filed: 10/03/06
3. BRUNE, CLERK
4. Reed
By: V-C-SOW 10/26/06, Deputy Clerk

ORDER

Before the Court is Defendants' Motion to Transfer Venue (Doc. # 2). The Defendants request that this Court transfer venue in the instant case to the United States District Court for the Eastern District of Missouri pursuant to Missouri Revised Statutes Section 508.050. According to section 508.050, the only proper venue for suits against municipal corporations such as school districts, whether sued separately or as co-defendants, is in the county in which the municipal corporation is situated. *State ex. rel. Santoya v. Edwards*, 879 S.W.2d 775 (Mo. Ct. App. 1994).

The Court finds that § 508.050 is a special venue statute that would be controlling over other general venue statutes. Plaintiff contends that Mo. Rev. Stat. § 536.110.3 is controlling in this case. Specifically, plaintiff argues that Missouri courts have recognized that § 536.110.3 is an “even more specific venue statute . . . for petitions for review,” which mandates that cases against a municipality must be brought in Cole County, Missouri, at the option of the plaintiff. See *Conlon Group, Inc. v. City of St. Louis*, 944 S.W.2d 954, 956 (Mo. App. W.D. 1997).

While the Court agrees that § 536.110.0 is a specific venue statute for cases involving municipalities, this provision only applies to petitions for *judicial review* of a municipality's

contested administrative action - i.e. a "contested case." *See id.* Section 508.050 provides the only proper venue for *suits* against municipal corporations such as school districts.

This is an action against the Moberly Public School District as well as the named District officials, which are located in Randolph County, Missouri, located within the jurisdiction of the Eastern District of Missouri. Thus, pursuant to § 508.050, the appropriate venue for this action is the Eastern District of Missouri.

Accordingly, it is hereby

ORDERED that Defendants' Motion to Transfer Venue (Doc. # 2) is granted. It is further ORDERED that this entire case is transferred to the United States District Court for the Eastern District of Missouri for all further proceedings.

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: October 3, 2006

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OCT 27 2006

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
ST. LOUIS

Patricia L. Brune
Clerk of Court

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
OFFICE OF THE CLERK

Reply To:

- 400 E. 9th Street
Kansas City, MO 64106
- 131 West High Street
Jefferson City, MO 65101
- 222 John Q. Hammons Pkwy.
Springfield, MO 65806

October 26, 2006

James G. Woodward, Clerk
Thomas F. Eagleton U.S. Courthouse
111 S. Tenth Street, Suite 3.300
St. Louis, MO 63102

Re: Transfer of our Civil Case No. 06-4117-CV-C-SOW

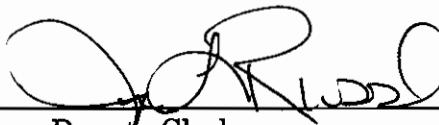
Dear Clerk:

On October 3, 2006, this Court signed an order transferring the above-entitled case to your court. Pursuant to our Administrative Directive No. 11, we delayed the transfer of this case for twenty-one (21) days. The case is now ready for transfer and you will find enclosed a certified copy of the transfer order.

Our court is a prototype court for electronic case filing. You may access our electronic case file at the following web address: <http://ecf.mowd.uscourts.gov>. We have assigned a login and password for district courts to use in accessing this information. The login is "guestcrt" and the password is "guestcrt". This login and password should not be shared with anyone other than federal court personnel who would have a need to access our electronic case file system. You will need Adobe Acrobat reader loaded on your computer in order to view the documents.

If you need assistance, you may call the Kansas City office at 816/512-5000, the Jefferson City office at 573/636-4015 or the Springfield office at 417/865-3869.

Sincerely,

By: 
Deputy Clerk

enc.